

### **REMARKS/ARGUMENTS**

Claims 1-33 are pending in the present application. The Office Action, mailed January 30, 2007, rejected claims 1-27 under 35 U.S.C. § 101 and rejected claims 1-33 under 35 U.S.C. § 103. Claims 1, 18, and 28 have been amended.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

#### **A. Information Disclosure Statement**

The Office Action stated that only one of two pages of the Information Disclosure Statement (IDS) filed December 1, 2003 were considered since it appears that the second page was missing. The second page of the December 1, 2003 IDS was a blank page that contained no references. All references cited by the Applicant in this IDS were listed on the first page and have been considered and initialed by the Examiner.

#### **B. Drawings**

The Office Action objected to Figures 1, 2, 3, and 4 suggesting only that which is old is illustrated and thus should be designated by a legend such as "Prior Art." The Office Action further objected to Figure 2 for failing to include reference signs mentioned in the description. The Office Action also objected to Figures 4 and 5, suggesting that they include reference characters not mentioned in the description. These objections are respectfully traversed.

Figure 1 is a block diagram illustrating two different systems communicating with one another over a computer network, wherein one system is an IPv4 system and the other is an IPv6 system. Because Figure 1 illustrates an embodiment of Applicant's proposed solution to the problem being solved by the current invention, Applicant respectfully requests this objection to Figure 1 be withdrawn.

"Figure 2 illustrates the major hardware components typically utilized in a computing device used with embodiments herein." Applicant's Specification, para. [36]. Because Figure 2 illustrates

Applicant's use of hardware components in embodiments for implementing the present invention, Applicant respectfully requests that this objection to Figure 2 be withdrawn.

Figure 3 illustrates the overall structure of a Bump-In-The-Stack (BIS) approach. Figure 4 illustrates the overall structure of a Bump-In-The-API (BIA) approach. Both facilitate an understanding of the overall invention. The approaches illustrated in Figures 3 and 4 help illustrate the differences between each approach and that of the present invention. However, Applicant did not intend to represent exactly what is in the prior art by his illustrations of Figures 3 and 4. That being the case, Applicant cannot guarantee that Figures 3 and 4 are, as shown, prior art. Applicant respectfully requests that discussions of what is and what is not prior art be focused on the claims, rather than part of the disclosure. Relevant prior art of which the Applicant was aware was submitted by the Applicant in an IDS. Applicant respectfully requests that this objection to Figures 3 and 4 be withdrawn.

Figure 2 illustrates the major hardware components typically utilized in a computing device used with embodiments herein. Figure 2 does not include reference numbers for the bi-directional arrows linking reference numbers 203 with 204, 203 with 206, 203 with 210, 203 with 208, 208 with 210, 203 with 212, and 212 with 214 because one of ordinary skill in the art would readily understand the disclosure. In the "Guide for Preparation of Patent Drawings" released by the United States Patent and Trademark Office (USPTO) in June of 2002 and found on the USPTO website, Example 19 illustrates a drawing meeting the requirements of 37 CFR 1.84(p) wherein directional arrows linking reference numbers are shown without reference numbers assigned to the directional linking arrows. United States Patent and Trademark Office, *Guide for Preparation of Patent Drawings*, June 2002, <http://www.uspto.gov/web/patents/pubs/pdg0602.zip>. Because the example released by the USPTO clearly illustrates that directional linking arrows can meet the requirements of 37 CFR 1.84(p) without reference numbers assigned to the directional linking arrows, Applicant respectfully requests that Figure 2 be allowed without reference numbers assigned to the directional linking arrows.

Figure 2 includes bi-directional arrows linking reference numbers 203 with 208, 208 with 210, 203 with 212, and 212 with 214. These bi-directional arrows will be readily understood by one of ordinary skill in the art. Applicant respectfully requests that the objection to Figure 2 be withdrawn.

In response to the Office Action's objection to Figures 4 and 5, the Specification has been amended to include the reference numbers 410, 414, 508, 510, and 512. Applicant requests that the objection to Figures 4 and 5 be withdrawn.

### **C. Specification**

The specification has been amended to address the Office Action's objections. Specifically, as noted above, the reference numbers referred to by the drawings that were missing from the specification have been added to the specification. The abstract has been amended to conform to the Office Action's suggestion and Applicant respectfully requests that the objection to the abstract be withdrawn.

Applicant believes these changes add no new matter to the application and are fully supported by the original disclosure.

The Office Action suggested the inclusion of a Brief Summary of the Invention heading. The relevant section of the MPEP states that the "following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use." MPEP 608.01(a) ¶ 6.01. Applicant respectfully submits that the suggested inclusion of a Brief Summary of the Invention heading is merely a suggestion and requests that any objection to the Specification headings be withdrawn.

The Office Action suggested that the title of the invention was not placed on the first page of the specification. Applicant believes this suggestion was made in error since the title appears at the top of the first page of the specification. The cover page appears to have the title in the middle center of the page. The first page of the specification, labeled "Page 1", appears to have the title at the top in private PAIR.

The Office Action suggested that the claims do not commence on a separate sheet and instead begin on the last page of the disclosure. Applicant believes this suggestion was made in error since the claims commence at the top of page 14 of the Specification.

The Office Action objected to paragraphs [18] and [28] because each recite "... is disclosed" which the Office Action suggests contains implied phrasing. Applicant respectfully requests that these objections be withdrawn.

**D. Claims 1-27 Rejected Under 35 U.S.C. § 101**

The Office Action rejected claims 1-27 under 35 U.S.C. § 101, suggesting that the invention claimed is directed to non-statutory matter. This rejection is respectfully traversed.

Claim 1 is directed to a "method for a computer system for providing communication between a first system and a second system." A computer system that provides communication between a first system and a second system would reasonably be interpreted by one of skill in the art as a tangible result wherein the method makes use of a computer system to achieve the tangible communication between the two systems. In view of the foregoing, Applicant respectfully requests that the rejection to claim 1 be withdrawn.

Claims 2-17 depend either directly or indirectly upon claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 2-17 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claim 18 has been amended and is directed to a set of executable instructions on a computer readable medium for providing communication between an IPv4 system and an IPv6 system. In view of the above amendment, claim 18 sets forth a practical application of the invention. Applicant respectfully requests that the rejection to claim 18 be withdrawn.

Claims 19-27 depend either directly or indirectly upon claim 18. Accordingly, Applicant respectfully requests that the rejection of claims 19-27 be withdrawn for at least the same reasons as those presented above in connection with claim 18.

**E. Rejection of Claims 1-7, 10-14, 17-21, 24, 27-29 and 31 Under 35 U.S.C. § 103(a)**

The Office Action rejected claims 1-7, 10-14, 17-21, 24, 27-29 and 31 under 35 U.S.C. § 103(a) based on “Dual Stack Hosts using “Bump-in-the-API” (BIA)” to Lee et al. (hereinafter, “Lee”) in view of U.S. Patent No. 5,721,876 to Yu et al. (hereinafter, “Yu”). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicant respectfully submits that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 1 as amended recites “inserting an API level translator layer, wherein the API level translator layer does not require a stack for the second version of the protocol.” Support for this amendment may be found in Applicant's Specification, paras. [21], [50]. Applicant respectfully submits that Lee does not teach or suggest this claim element as amended.

Lee discloses the insertion of “an API translator between the socket API module and the TCP/IP module in the dual stack hosts.” Lee, page 2. The API translator used by Lee is not the same as the API level translator layer of the present invention. The API translator used by Lee “translates

the IPv4 socket API function into IPv6 socket API function and vice versa.” Lee, page 2. However, the BIA (Bump-in-the-API) approach used by Lee is “for systems with an IPv6 stack.” Lee, page 3. Unlike the API translator disclosed in Lee, the API level translator layer of the present invention “works even when there is no IPv6 stack installed.” Applicant’s Specification, para. [50]. Lee does not teach or suggest “inserting an API level translator layer, wherein the API level translator layer does not require a stack for the second version of the protocol.”

The Office Action states that “Lee does not specifically disclose making a function call to a socket Application Programming Interface (API) for the first version; translating the function call to a translated function call wherein the translated function call uses raw sockets; and making a function call to the socket API for the translated function call that uses raw sockets.” Office Action, Pages 10-11. The Office Action thus concedes that Lee does not disclose these claim elements of claim 1.

As shown, Lee does not teach or suggest all of the claim limitations in claim 1. As will be shown, Yu also does not teach or suggest all of the limitations of claim 1.

Yu does not teach or suggest “inserting an API level translator layer, wherein the API level translator layer does not require a stack for the second version of the protocol.” Yu discloses that “the socket subroutines contained in host sockets library 97 serve as the application program interface (API) for TCP/IP. This API provides three types of communications services which use different components of TCP/IP.” Yu, para. 7, lines 28-31. Applicant respectfully submits that Yu does not disclose “inserting an API level translator layer, wherein the API level translator layer does not require a stack for the second version of the protocol.”

Furthermore, Yu does not teach or suggest “translating the function call to a translated function call wherein the translated function call uses raw sockets.” Yu recites that “the socket subroutines contained in host sockets library 97 serve as the application program interface (API) for TCP/IP. This API provides three types of communications services which use different components of TCP/IP. These are reliable stream delivery, connectionless datagram delivery and raw socket delivery.” Yu, para 7, lines 28-33. Although Yu mentions the use of raw sockets, this does not teach

or suggest “translating the function call to a translated function call wherein the translated function call uses raw sockets.” For the above reasons, Applicant respectfully submits that Yu does not disclose “translating the function call to a translated function call wherein the translated function call uses raw sockets.”

In view of the foregoing, Applicant respectfully submits that claim 1 is patentably distinct from Lee in view of Yu. Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2-7, 10-14, and 17 depend either directly or indirectly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 2-7, 10-14, and 17 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claim 18 as amended recites “insert an API level translator layer, wherein the API level translator layer does not require a stack for the second version of the protocol.” As argued above with respect to claim 1, the cited references do not teach or suggest this claim limitation. Accordingly, Applicant respectfully requests that the rejection of claim 18 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claims 19-21, 24, and 27 depend either directly or indirectly from claim 18. Accordingly, Applicant respectfully requests that the rejection of claims 19-21, 24, and 27 be withdrawn for at least the same reasons as those presented above in connection with claim 18.

Claim 28 as amended recites “inserting an API level translator layer, wherein the API level translator layer does not require a stack for the second version of the protocol.” As argued above with respect to claim 1, the cited references do not teach or suggest this claim limitation. Accordingly, Applicant respectfully requests that the rejection of claim 28 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claims 29 and 31 depend directly from claim 28. Accordingly, Applicant respectfully requests that the rejection of claims 29 and 31 be withdrawn for at least the same reasons as those presented above in connection with claim 28.

**F. Rejection of Claims 8, 22-23 and 30 Under 35 U.S.C. § 103(a)**

The Office Action rejected claims 8, 22-23 and 30 under 35 U.S.C. § 103(a) based on Lee in view of Yu, and further in view of U.S. Patent Application Publication No. 2003/0165160 to Minami et al. (hereinafter “Minami”). This rejection is respectfully traversed. The burden to establish a *prima facie* case of obviousness is provided above. See, M.P.E.P. § 2142.

Claim 8 depends indirectly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 8 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claims 22 and 23 depend either directly or indirectly from claim 18. Accordingly, Applicant respectfully requests that the rejection of claims 22 and 23 be withdrawn for at least the same reasons as those presented above in connection with claim 18.

Claim 30 depends directly from claim 28. Accordingly, Applicant respectfully requests that the rejection of claim 30 be withdrawn for at least the same reasons as those presented above in connection with claim 28.

**G. Rejection of Claims 9, 15-16, 25-26 and 32-33 Under 35 U.S.C. § 103(a)**

The Office Action rejected claims 9, 15-16, 25-26 and 32-33 under 35 U.S.C. § 103(a) based on Lee in view of Yu, and further in view of “Transition Mechanism for IPv6 Hosts and Routers” by R. Gilligan (hereinafter “Gilligan”). This rejection is respectfully traversed. The burden to establish a *prima facie* case of obviousness is provided above. See, M.P.E.P. § 2142.

Claims 9, 15 and 16 depend indirectly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 9, 15 and 16 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claims 25 and 26 depend indirectly from claim 18. Accordingly, Applicant respectfully requests that the rejection of claims 25 and 26 be withdrawn for at least the same reasons as those presented above in connection with claim 18.



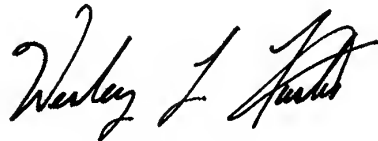
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Claims 32 and 33 depend directly from claim 28. Accordingly, Applicant respectfully requests that the rejection of claims 32 and 33 be withdrawn for at least the same reasons as those presented above in connection with claim 28.

#### **H. Conclusion**

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

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